

PERFORMANCE PORTFOLIO (Health & Safety Consultative Group) DECISION RECORD

18 January 2012

The meeting commenced at 10.30 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Hilary Thompson (Performance Portfolio Holder)

Trades Union Representatives
Edwin Jeffries and Paul Maddison

Officers: Joanne Machers, Chief Customer and Workforce Services
Officer
Stuart Langston, Health, Safety and Wellbeing Manager
Denise Wimpenny, Principal Democratic Services Officer

3. Proposed Changes to the National Health and Safety Regime – An Update *(Chief Customer and Workforce Services Officer)*

Type of decision

Non key

Purpose of report

To advise the Portfolio Holder of proposals to change the national Health and Safety regime.

Issue(s) for consideration by Portfolio Holder

At the meeting of the Performance Portfolio (Health and Safety Consultative Group) in February 2011 the Portfolio Holder requested an update on the health and safety situation following the publication of the 'Common Sense Common Safety' report. At that time there had been minimal changes to current practices but since then the Department of Work and Pensions had published a document proposing more significant and wide ranging changes. This document 'Good health and safety good for everyone' had been presented to a meeting of the Health and Safety Consultative Group on 3 August 2011, a copy of which was appended to the report.

Two of the key elements of the government proposals were a review of health and safety regulation by a team led by Professor Lofstedt and the introduction

of “fee for intervention” where the Health and Safety Executive (HSE) would charge a fee for any investigation or inspection work which identified a material breach of statutory requirements. Both of these projects had now been formally reported to the appropriate bodies and it was therefore considered an appropriate time to provide an update.

The government was of the opinion that there was a significant burden on businesses as a result of red tape and the current perception was that health and safety had become one of these significant burdens because of an increasingly risk averse culture. At the heart of this document was an attempt to decrease the burden of health and safety red tape on organisations. Reference was made to the Government response to the Lofstedt Report, attached as an appendix to the report. A summary of the key recommendations of the report included the following:-

- By the summer of 2012 Health and Safety guidance for small businesses would be much simpler, low risk businesses that managed their responsibilities properly would no longer be visited by inspectors and legislation would be brought forward to abolish the Adventure Activities Licensing Authority.
- By 2013 self employed people whose work posed no threat to others would be exempt from health and safety law, approved codes of practice would give businesses clear practical examples of how to comply with the law and unnecessary regulations would be revoked.
- By 2014 a simpler accident reporting regime would be in place, HSE's enhanced powers would help drive consistent enforcement for all businesses, regulations would be consolidated by the industry sector making it clear which provisions businesses needed to comply with, the number of regulations businesses would have to comply with would be reduced by 50 per cent.

One of the most significant proposed changes, which was not considered by the Lofstedt review, but had been consulted on by the HSE, was the introduction of the “fee for intervention” with a minimum fee of £133 per hour for inspections and investigations where a material breach was found. A number of concerns had been expressed regarding this proposal. The Council formally responded as part of the North East Regional Employers Organisation Lead Health and Safety Practitioner Network identifying some areas of concern for the Councils of the North East Region. A report in response to the consultation had been prepared by the HSE and presented to the HSE Board on 7 December, the minutes of which had not been published to date.

Whilst the Portfolio Holder supported proposals for simplifying bureaucracy, concerns were expressed regarding the implications of such changes including the potential for prevention of accident reporting and reducing the opportunity to learn from previous problems.

In the discussion that followed, the Group raised a number of concerns regarding the impact of the proposals which included:-

- the introduction of HSE charges for inspections and interventions;
- the financial implications on the Council's budget;
- the proposals could potentially weaken health and safety law;
- the potential increase in risk of injury/accidents in the workplace particularly in relatively high risk industries of waste and construction, both of which the Council had significant involvement.

Further concerns were raised that the proposals referred to the intention to remove regulations. However, there was no indication as to what would replace these regulations.

Decision

That the contents of the report and comments of the Group be noted.

The meeting concluded at 11.02 am.

P J DEVLIN

CHIEF SOLICITOR

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